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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,035	08/27/2001	Lane W. Lee	M-12040 US	4896

32605 7590 08/14/2006

MACPHERSON KWOK CHEN & HEID LLP
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EXAMINER

DINH, MINH

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,035	LEE ET AL.	
	Examiner	Art Unit	
	Minh Dinh	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 06/02/2006. Claims 1-2 have been amended.

Response to Arguments

2. Applicant's arguments, see page 3, 1st paragraph, filed 06/02/06, with respect to the terminal disclaimer filed 03/30/06 have been fully considered and are persuasive. The terminal disclaimer was proper, and, therefore, the nonstatutory double patenting rejection of claim 25 has been withdrawn.
3. Applicant's arguments, see page 3, 2nd – 4th paragraphs, with respect to the rejection of claim 25 under 35 USC 103(a) have been fully considered but they are not persuasive. Applicant argues that the host in Mochizuki (7,020,780) does not request any storage device/engine to unlock content. A broad and reasonable interpretation of "requesting a storage engine to unlock the locked content" is "requesting a storage engine to provide the keys for decrypting encrypted content". Mochizuki discloses that encrypted content and a content key are stored in a pre-recorded portion of a DVD (Digital Video Disc) and that a complement key is written to a writable area of the DVD by the DVD drive (i.e., the storage engine) when cost for using

the encrypted content has been collected (Abstract; col. 9, line 52 – col. 11, line 17). Thus, in order for the host in Mochizuki to reproduce the encrypted content stored on the DVD, the host must request the DVD drive to provide the encrypted content as well as the keys since only the DVD drive can read out information stored on the DVD (figure 9). Applicant argues that the Sims reference (6,550,011) adds nothing further in that Applicant readily concedes that the general DRM concept of authentication was in the prior art. Sims discloses a storage-engine-based DRM system (figures 2A-B, 3-4). In particular, Sims was relied upon for the teaching of authenticating a host device (col. 19, lines 29-49) and authenticating a storage engine with a server (col. 17, lines 1-23) which Mochizuki fails to disclose.

Terminal Disclaimer

4. The terminal disclaimer filed on 03/09/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,636,966 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki (7,020,780) in view of Sims, III (6,550,011). Mochizuki discloses a method of unlocking a locked file stored in mastered pre-recorded portion on a storage medium, wherein both a title key and a cipher key are needed to unlock the locked file, the title key and the cipher key being functionally equivalent to a content key and a complement key, the mastered pre-recorded portion including the title key but not the cipher key, the storage medium also having an writeable area that is writable by a storage engine, the method comprising: receiving a request from a host device at the storage engine to unlock the locked file; providing the storage engine with the cipher key; and writing the cipher key to the writeable area to unlock the file (Abstract; figures 6-7, 9; col. 8, lines 50-66; col. 10, line 26 – col. 11, line 17). Mochizuki does not disclose authenticating a host device and authenticating the storage engine with a server. Sims discloses a method of unlocking locked content stored in a storage medium including the steps of authenticating a host device (col. 5, lines 39-59; col. 19, lines 29-49) and authenticating the storage engine with a server (col. 17, lines 1-23). It would have been obvious to modify the Mochizuki method to

authenticate the host device and authenticate the storage engine with a server, as taught by Sims, in order to verify that the host device and the storage engine are both authorized devices.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki in view of Sims as applied to claim 25 above, and further in view of Menezes et al ("Handbook of Applied Cryptography"). Sims discloses authenticating the host device requiring two passes (i.e., two messages to be transmitted), but Sims does not disclose using one-pass protocol in which a first entity who generates the random session key is also the entity that encrypts the session key with a second entity's public key and transmits the encrypted session key to the second entity participating in a communication session. Menezes discloses using one-pass protocol for transporting a session key and for implicit key authentication (Section 12.5.1, page 507-508). It would have been obvious to modify the combined method of Mochizuki and Sims to authenticate the host device using one-pass protocol, as taught by Menezes, in order to reduce network traffic.

Conclusion


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KAMBIZ ZAND
PRIMARY EXAMINER

MD
Minh Dinh
Examiner
Art Unit 2132

MD
8/9/06